

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

DABNEY et al.

Atty. Ref.: 1266-27

Serial No. 10/659,746

TC/A.U.: 3696

Filed: 11 September 2003

Examiner: RANKINS, WILLIAM E.

For: EFFICIENT ONLINE AUCTION-STYLE LISTINGS THAT
ENCOURAGE OUT-OF-CHANNEL NEGOTIATION

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RULE 131 DECLARATION

I, Keith Burnette, state the following based on my own personal
knowledge and belief:

1. I am Partnership Director at AutoTrader.com, Inc.
("AutoTrader.com").
2. I understand that in a 6/13/2008 Office Action, the Patent Office
rejected certain claims of the above-identified patent application as
allegedly being "unpatentable" in view of a "Yahoo Auctions" document
dated 12/30/2002.

3. I attach, as the Exhibit to this declaration, excerpts of a document that corroborates AutoTrader.com's conception of certain claimed subject matter before 12/30/2002.

4. The attached documentation was created before 12/30/2002, although my counsel has intentionally obscured the date for purposes of filing in the public record.

5. AutoTrader.com was diligent in working toward a commercial implementation from the date of the attached document through 12/31/2002 when we filed our provisional patent application.

6. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

12/9/08
Date

Keith Burnette
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